

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

**FILED**

FEB 23 2016

Clerk, U.S. District Court  
District Of Montana  
Billings

DAVID STEVEN BRAUN,

Plaintiff,

vs.

FEDERAL COMMUNICATIONS  
COMMISSION,

Defendant.

CV 15-75-BLG-SPW

ORDER

Pending before the Court is Plaintiff David Steven Braun's Motion to Withdraw Previous Request to Keep this Case Open. (Doc. 16). United States Magistrate Judge Carolyn Ostby issued Findings and Recommendations on February 8, 2016, in which she construed Braun's motion as a motion to voluntarily dismiss his case pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure.

Pursuant to 28 U.S.C. § 636(b)(1), the Federal Communications Commission had 14 days to file written objections after Judge Ostby's Findings and Recommendations were filed. No objections were filed. When neither party objects, this Court must still review Judge Ostby's conclusions for clear error. Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th

Cir.2000). After reviewing the Findings and Recommendations, this Court does not find that Judge Ostby committed clear error.

Accordingly, IT IS HEREBY ORDERED:

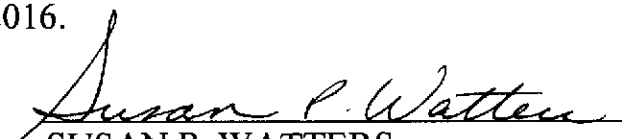
1. Judge Ostby's Findings and Recommendations (Doc. 17) are ADOPTED IN FULL.

2. Braun's Motion to Withdraw Previous Request to Keep this Case Open (doc. 16) is GRANTED and this matter is DISMISSED WITHOUT PREJUDICE.

3. Braun's Motion for Court to Investigate (doc. 18) is DENIED as moot.

4. The Clerk of Court is directed to close this matter and terminate all pending motions.

DATED this 23<sup>rd</sup> day of February 2016.

  
SUSAN P. WATTERS  
United States District Judge